

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMA DIOP,

Plaintiff,

No. C 12-6332 PJH

v.

**ORDER DISMISSING COMPLAINT
AND GRANTING REQUEST TO CHANGE
VENUE TO SAN FRANCISCO DIVISION**

COUNTY OF MARIN, et al.,

Defendants.

The court has reviewed the first amended complaint ("FAC") filed by plaintiff Rama Diop ("plaintiff") on April 11, 2013. In dismissing the original complaint without prejudice, the court wholly adopted the report and recommendation ("report") of Magistrate Judge Laporte. The report noted that the original complaint's allegations were "conclusory" and did "not permit the court to infer more than the mere possibility of misconduct." The report went on to note the following:

Plaintiff alleges that various judges, commissioners and referees violated her rights, issued unfavorable decisions, acted despite conflicts of interest, and conspired against her due to some bias but does not adequately state the underlying basis for these bare bones allegations and legal conclusions. Additionally, it appears that much of plaintiff's complaint is based on her disagreement with the decisions of other tribunals which this court has no authority to review and/or for which the decision-makers are immune.

Dkt. 6 at 2-3. The report also noted that "[w]ith respect to all of [plaintiff's] claims, it is unclear which claims she asserts against which defendants." *Id.* at 3. Many of these deficiencies are still present in the FAC. While the FAC does attempt to separate each cause of action into separate paragraphs, it still fails to make clear which causes of action are asserted against which defendants. Moreover, the FAC's allegations are still largely conclusory, and rely on accusations without any discernable factual basis. For these

1 reasons, plaintiff's FAC is again DISMISSED for failure to adequately state a claim.
2 Plaintiff shall be given one more opportunity to file an amended complaint in order to
3 correct the FAC's deficiencies. The amended complaint must set forth separate
4 paragraphs for each cause of action, and must specifically identify each defendant against
5 whom each cause of action is asserted. No new claims or parties may be added. Plaintiff's
6 second amended complaint must be filed by **September 18, 2013**. If the complaint does
7 not correct the deficiencies noted in the report and this order, it will be dismissed with
8 prejudice.

9 Additionally, although plaintiff has not made a formal motion to change venue, the
10 court notes that the FAC includes a "request[]" that the court further considers changing the
11 venue in this case to San Francisco." FAC at 3. Plaintiff explains that her car is not
12 operational, and that her back pain and arthritis prevents her from taking public
13 transportation to Oakland. Civil Local Rule 3-2(h) allows the court to transfer a case to
14 another division within the district if "the convenience of parties and witnesses and the
15 interests of justice will be served," upon the Judge's own motion or the motion of any party.
16 Given that plaintiff is proceeding pro se, the court construes plaintiff's request in the FAC as
17 a motion to change venue, and hereby GRANTS the motion, and orders this case
18 transferred to the San Francisco division.

19 **IT IS SO ORDERED.**

20 Dated: August 16, 2013



PHYLLIS J. HAMILTON
United States District Judge